

Message Text

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EXDIS HANDLE AS NODIS

FOLLOWING REPEAT VALLETTA 0121 SENT ACTION SECSTATE INFO CAPE TOWN,
DAR ES SALAAM, LAGOS, LUSAKA, MBABANE, MAPUTO, PRETORIA,
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QUOTE C O N F I D E N T I A L VALLETTA 0121

EXDIS HANDLE AS NODIS

OP CENTER ALER - AF FOR EDMONDSON & PETTERSON OOB 1/31

E.O. 11652: GDS

TAGS: PDEV, RH, UK

SUBJECT: PF PROPOSALS FOR TRANSITION PERIOD

1. PF PROVIDED US WITH TEXT OF THEIR PROPOSAL ON THE
TRANSITION PERIOD LATE EVENING JANUARY 30. AS EXPECTED
TEXT, WHICH BEGINS PARA 6 EMBODIES KNOWN PF POSITIONS,
WITH CENTRAL ELEMENT BEING TRANSFER OF POWER FROM
SMITH TO PF-CONTROLLED GOVERNING COUNCIL AT BEGINNING
RATHER THAN END OF TRANSITION PERIOD. ALTHOUGH PF
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HAS DENIED ITS INTENTION TO MAKE DOCUMENT PUBLIC,
PRESS HERE IS AWARE THAT WE HAVE RECEIVED DOCUMENT
AND MAY THEMSELVES SOON HAVE TEXT, IF THEY HAVE NOT RECEIVED
IT ALREADY. WE THEREFORE ANTICIPATE PRESS REPORTING ON
SUBSTANCE OF PF PROPOSAL AND STARK CONTRAST BETWEEN
IT AND PRINCIPLES OF ANGLO-AMERICAN PLAN AS EMBODIED
IN PREVIOUSLY PUBLISHED WHITE PAPER.

2. BASED ON DISCUSSIONS THAT YOUNG AND DICK MOOSE
HADN WITH MUGABE LATE JANUARY 30, PRIOR TO RECEIVING

PF PAPER (REPORTED SEPTTEL), WE BELIEVE PF DOES NOT EXPECT ITS PAPER TO BE ACCEPTED AS SOLE BASIS FOR FURTHER NEGOTIATION, BUT RATHER WISHES TO ENGAGE US IN FURTHER DISCUSSIONS ON PROBLEMS OF TRANSITION PERIOD WHICH MIGHT LEAD US TO MODIFY OUR OWN PROPOSALS. OBJECTIONABLE THOUGH KEY ELEMENTS PF PAPER ARE, WE DO NOT WISH TO JEOPARDIZE PROSPECTS FOR FURTHER DISCUSSIONS BY REJECTING THEIR PROPOSAL OUT OF HAND.

3. IF PF PLAN IS MADE PUBLIC, OWEN WILL FIND IT ESSENTIAL TO DISPEL ANY APPEARANCE OF HAVING ACCEPTED PF PROPOSAL AS BASIS FOR FURTHER NEGOTIATING AND THUS APPEARING TO BE ON VERGE OF CAPITULATING TO UNREASONABLE PF DEMANDS. SIMILARLY, WE OURSELVES CAN EXPECT STRONG PUBLIC REACTION IF WE APPEAR TO BE ACCEPTING PF PROPOSALS AS BASIS FOR NEGOTIATION. MOREOVER, THIS IMPRESSION MIGHT ALSO SERVE TO CONVINCE SMITH, MUZOREWA AND SITHOLE THAT THEIR ONLY RECOURSE IS TO REDOUBLE THEIR EFFORTS TO REACH AGREEMENT ON AN INTERNAL SETTLEMENT.

4. GIVEN THE FOREGOING PROBLEMS THAT THE PF PROPOSAL RAISES, BRITISH AND WE AGREED
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AT EARLY MORNING STRATEGY SESSION 1/31 TO MAKE TO EFFORT TO KEEP NEGOTIATIONS ALIVE. THUS, AT 10:00 A.M. CONFERENCE SESSION WITH PF, NEITHER WE NOR OWEN WILL REJECT THE PF PLAN OUTRIGHT AND WILL ALLOW THE PROPOSAL TO BE TABLE WITHOUT IN ANY WAY INDICATING OUR ACCEPTANCE OF IT AS A BASIS FOR NEGOTIATION. OWEN WILL EMPHASIZE THAT THE WHITE PAPER REMAINS THE BASIS UPON WHICH WE AND THE BRITISH INTEND TO PURSUE THE NEGOTIATIONS. WE AND BRITISH WILL THEN SUGGEST TO THE PF THAT WE BEGIN A GENERAL DISCUSSION OF THEIR PAPER AS A MEANS OF CLARIFYING PROBLEMS OF THE TRANSITION PERIOD, INDICATING AREAS OF AGREEMENT WHICH DO EXIST, AS WELL AS REASONS WHY WE CONSIDER SOME ELEMENTS OF THEIR PROPOSALS IMPRACTICAL OR OTHERWISE UNACCEPTABLE.

5. IN RESPONDING TO PRESS QUERIES ABOUT THE STATUS AND FUTURE OF THE PF PAPER, WE INTEND TO DRAW UPON AND ELABORATE POINTS IN PRECEDING PARA, EMPHASIZING THAT THE PF PROPOSAL HAS NOT BEEN ACCEPTED AS BASIS FOR FURTHER NEGOTIATION AND THAT WE AND THE BRITISH WILL CONTINUE TO REGARD THE ANGLO-AMERICAN PROPOSALS AS OUTLINED IN THE WHITE PAPER AS THE FRAMEWORK FOR A NEGOTIATED SETTLEMENT.

6. BEGIN TEXT: PATRIOTIC FRONT
PROPOSALS FOR A SETTLEMENT IN SOUTHERN RHODESIA.

1. WE ARE POISED FOR TOTAL VICTORY ON THE BATTLEFIELD. HOWEVER, WE HAVE ALWAYS BEEN WILLING TO ENGAGE IN MEANINGFUL TALKS TO ACHIEVE OUR OBJECTIVE. ANY SUCH SETTLEMENT WILL INVOLVE THREE STEPS REFLECTING MOVEMENT FROM A WAR SITUATION TO A CEASEFIRE IN THE FOLLOWING ORDER:

(A) AGREEMENT ON TRANSITIONAL STRUCTURE;

(B) A CEASE-FIRE AGREEMENT;

(C) INDEPENDENCE.

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2. THE TRANSITIONAL PERIOD.

2.1 DURING THE TRANSITIONAL PERIOD AUTHORITY WILL BE VESTED IN A BODY COMMITTED TO THE TRANSFER OF POWER AND SUPPORTED BY ARMED FORCES EQUALLY SO COMMITTED. BOTH THESE ELEMENTS ARE ESSENTIAL.

2.2 THE ADMINISTERING AUTHORITY WILL BE A GOVERNING COUNCIL COMPOSED OF THE SAME PARTIES AS ENTERED INTO THE CEASE-FIRE AGREEMENT. THE MEMBERSHIP WILL BE THE RESIDENT COMMISSIONER REPRESENTING BRITAIN, WHO WILL BE THE CHAIRMAN AND WHO WILL BE AUTHORISED TO SIGN LEGISLATIVE ACTS, FOUR MEMBERS REPRESENTING THE PATRIOTIC FRONT AND ONE MEMBER REPRESENTING THE SETTLERS. EACH MEMBER WILL HAVE ONE VOTE AND DECISIONS WILL BE BY SIMPLE MAJORITY.

2.3 THE PRESENT RHODESIAN ARMED FORCES WILL BE DEMOBILISED, BUT WE WOULD BE PREPARED TO INTEGRATE ACCEPTABLE ELEMENTS INTO OUR FORCES, WHICH WILL BE THE ONLY FORCES SUPPORTING THE INTERIM ADMINISTRATION.

2.4 THE POLICE FORCE WILL BE RE-STRUCTURED IN SUCH A WAY THAT ONLY ACCEPTABLE ELEMENTS WITH UNQUESTIONABLE LOYALTY TO THE TRANSITIONAL ADMINISTRATION ARE RETAINED.

2.5 MANY OF THE EXISTING JUDGES AND MAGISTRATES WILL BE REPLACED SO THAT THE BUILDING OF THE FUTURE JUDICIARY BEGINS IMMEDIATELY.

2.6 AT THE HIGHER LEVELS THE OFFICERS IN THE PUBLIC SERVICE WILL BE SUBJECT TO SCREENING, BUT THE REMAINDER WILL CONTINUE IN OFFICE SUBJECT
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TO THE RIGHT OF A PUBLIC SERVICE COMMISSION, TO BE APPOINTED BY THE GOVERNING COUNCIL, TO TERMINATE THE APPOINTMENT OF ANY OFFICER REGARDED AS UNACCEPTABLE.

2.7 THE REGISTRATION OF VOTERS WILL REQUIRE TWO SAFEGUARDS;

CLOSE SUPERVISION OF THE REGISTERING OFFICERS BY INDEPENDENT PERSONS; AND THE APPOINTMENT OF SUITABLE REGISTERING OFFICERS TO REPLACE SUCH TRADITIONAL OFFICIALS AS DISTRICT COMMISSIONERS. THE PRE-INDEPENDENCE ELECTIONS WILL BE INDEPENDENTLY SUPERVISED TO ENSURE THAT THEY ARE FREE AND IMPARTIAL.

2.8 THE GOVERNING COUNCIL WILL HAVE FULL LEGISLATIVE AND EXECUTIVE POWERS.

2.9 THE TRANSITIONAL CONSTITUTION WILL CONTAIN A JUSTICIABLE BILL OF RIGHTS, ON THE LINES OF THE BILL OF RIGHTS IN THE INDEPENDENT CONSTITUTION.

2.10 THE GOVERNING COUNCIL AS A BODY WILL BE THE COMMANDER IN CHIEF OF THE ARMED FORCES AND WILL HAVE COMMAND OF THE POLICE.

2.11 IT WILL BE NECESSARY TO DEAL WITH LAWS WHICH WERE PURPORTED TO HAVE BEEN MADE SINCE UDI. THE TRANSITIONAL ORDER IN COUNCIL WILL CONTAIN A SCHEDULE REPEALING OR AMENDING PARTICULAR LAWS; IN ADDITION THE ORDER IN COUNCIL WILL INELIDATE, TO THE EXTENT OF THE INCONSISTENCY, ALL LAWS INCONSISTENT WITH THE TRANSITIONAL CONSTITUTION.

2.12 THERE WILL BE NO AMNESTIES IN RESPECT OF WAR CRIMES OR CRIMES AGAINST HUMANITY, NOR FOR MERCENARIES, NOR WILL CIVIL CLAIMS BE EXTINGUISHED. ALL PERSONS SERVING SENTENCES OR AWAITING TRIAL FOR RESISTING THE REGIME, ALL PERSONS IN DETENTION OR RESTRICTION WITHOUT TRIAL, AND ALL PERSONS RESTRICTED IN THE SO-CALLED PROTECTED VILLAGES, WILL BE RELEASED ON THE TRANSITIONAL ADMINISTRATION BEING INSTALLED.
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2.13 THE TRANSITIONAL ADMINISTRATION WILL NOT ASSUME OBLIGATIONS ENTERED INTO BY, OR ARISING OUT OF, ACTS OF THE SETTLER REGIME IN SUPPORT OF THE REBELLION OR IN SUPPRESSION OF THE MASSES OF ZIMBABWE.

2.14 THE ROLE OF THE UNITED NATIONS WILL INCLUDE:-

- (A) WITNESSING THE CEASE-FIRE AGREEMENT;
- (B) THE SUPERVISION OF THE REGISTRATION OF VOTERS AND THE PRE-INDEPENDENCE ELECTIONS.

3. CEASE-FIRE-AGREEMENT

3.1 ANY CEASE-FIRE AGREEMENT MUST BE CONCLUDED BETWEEN THE PARTIES TO THE ARMED CONFLICT, THE PATRIOTIC FRONT ON THE ONE SIDE AND THE BRITISH GOVERNMENT AND THE SETTLERS ON THE OTHER.

3.2 THE TERMS OF ANY SUCH AGREEMENT WILL INCLUDE THE CONDITIONS

WHICH ARE ESSENTIAL TO THE TRANSFER OF POWER AND THE ACHIEVEMENT OF REAL INDEPENDENCE WITHOUT FURTHER BLOODSHED; THESE CONDITIONS ARE THE SUBSTANCE OF THE TRANSITIONAL ARRANGEMENTS OUTLINED ABOVE.

4. PRINCIPLES OF THE INDEPENDENCE CONSTITUTION.

4.1 THE INDEPENDENCE CONSTITUTION WILL -

(A) PROVIDE FOR A DEMOCRATICALLY ELECTED GOVERNMENT ON THE BASIS OF ONE MAN ONE VOTE;

(B) CONTAIN A JUSTICIABLE BILL OF RIGHTS;

(C) SECURE THE INDEPENDENCE OF THE JUDICIARY.

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4.2 ALL PERSONS WILL BE QUALIFIED TO VOTE WHO ARE:-

(A) CITIZENS OF ZIMBABWE AND

(B) EIGHTEEN YEARS OF AGE.

DISQUALIFICATION ON THE GROUND OF CONVICTION FOR A CRIMINAL OFFENCE WILL BE LIMITED TO CERTAIN TYPES OF OFFENCES.

4.3 THERE WILL BE A SINGLE CHAMBER NATIONAL ASSEMBLY, CONSISTING OF A NUMBER OF ELECTED MEMBERS TO BE DECIDED. THESE WILL BE RETURNED BY THE CORRESPONDING NUMBER OF CONSTITUENCIES, EACH CONSTITUENCY RETURNING ONE MEMBER ON A SIMPLE MAJORITY BASIS. THE CONSTITUENCIES WILL HAVE BEEN DELIMITED BY A DELIMITATION COMMISSION APPOINTED BY GOVERNING COUNCIL.

4.4 THE QUALIFICATIONS FOR ELECTION TO THE NATIONAL ASSEMBLY WILL BE THE SAME AS FOR THE FRANCHISE.

4.5 THERE WILL BE AN EXECUTIVE PRESIDENT, WHO WILL BE ELECTED BY POPULAR VOTE AT THE SAME TIME AS THE MEMBERS OF THE NATIONAL ASSEMBLY, THE TWO ELECTIONS BEING LINKED.

4.6 THERE WILL BE A JUSTICIABLE BILL OF RIGHTS PROTECTING THE FUNDAMENTAL RIGHTS AND FREEDOM OF THE INDIVIDUAL.

4.7 THERE WILL BE A COURT OF APPEAL AND A HIGH COURT. THE CHIEF JUSTICE AND THE OTHER JUDGES OF THE COURT OF APPEAL WILL BE APPOINTED BY THE PRESIDENT; THE PUISNE JUDGES WILL BE APPOINTED BY THE PRESIDENT ACTING ON THE ADVICE OF THE JUDICIAL SERVICE COMMISSION.

4.8 JUDGES APPOINTED PRIOR TO OR DURING THE TRANSITIONAL PERIOD WILL HOLD OFFICE UNTIL INDEPENDENCE, WHEN THEY MAY APPLY FOR REAPPOINTMENT.

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4.9 PERSONS WHO WERE CITIZENS OF SOUTHERN RHODESIA PRIOR TO THE 11TH NOVEMBER 1965, AND PERSONS WHO WERE RESIDENT IN THE COLONY PRIOR TO THAT DATE AND WHO BECAME CITIZENS THEREAFTER IN TERMS OF THE LAW IN FORCE IN THE COLONY ON THE 11TH NOVEMBER 1965, WILL BECOME CITIZENS OF ZIMBABWE ON INDEPENDENCE PROVIDED THEY HAVE NOT PRIOR TO INDEPENDENCE BECOME CITIZENS OF A FOREIGN COUNTRY.

4.10 ALL AMENDMENTS TO THE CONSTITUTION WILL BE BY A SINGLE MACHINERY, NAMELY PUBLICATION FOR THIRTY DAYS BEFORE THE FIRST READING AND A TWO-THIRDS MAJORITY IN THE NATIONAL ASSEMBLY. LAINGEN UNQUOTE VANCE

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